IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 14004 of 2004

Between:

1 The Management of St. Ann's High School, Plot No. 293, Sri

Srinivasapuram Colony, Vanasthalipuram, rep. by its Correspondent,

K. Venkatesh Goud S/o K. Narasimha,
R/o Vanasthalipuram
2 The Management of Poornodaya High School,
Vanasthalipuram, rep. by its Correspondent, P. Arjun Rao,

S/o P. Guruva Rao, R/o Vanasthalipuram.
3 The Management of Prashanthi Vidyaniketan High School,

G.B.I. Colony, Vanasthalipuram, rep. by its Correspondent,

K. Chandra Reddy S/o K. Sanjeeva Reddy, R/o Vanasthalipuram.
4 The Management of Siddhartha High School,
Vanasthalipuram, rep. by its Correspondent,

K. Indira Reddy S/o K. Janga Reddy, R/o Vanasthalipuram.
5 The Management of Geetanjali Model School, B.N. Reddy Nagar,
Vanasthalipuram, rep. by its Correspondent, K.V.R. Murthy

S/o K. Ramjulu, R/o Vanasthalipuram.
6 The Management of Nagarjuna High School, Srinivasapuram Colony,
rep. by its Principal and Correspondent, G. Vittal Reddy

S/o Laxma Reddy, R/o Vanasthalipuram.
7 The Management of St. Francis High School,
Vanasthalipuram, rep. by its Correspondent, M. Raghuram Reddy

S/o Narsi Reddy, R/o Vanasthalipuram.
8 The Management of Siva Sindhu High School,
Vanasthalipuram, rep. by its Correspondent, M.V.N. Reddy

S/o M. Rami Reddy, R/o Vanasthalipuram.

..... PETITIONERS

AND

1 The District Educational Officer, Ranga Reddy District,

Ranga Reddy District Collector Offices Complex,
Lakdikapool, Hyderabad.
2 The Regional Joint Director, School Education, Barkatpura,

Hyderabad.
3 The Commissioner & Director, School Education, A.P., Hyderabad.
4 The Government of A.P, rep. by its Secretary, School Education, A.P. Secretariat, Hyderabad.
5 The Management of Vikas Model High School, S.F. Colony,

Vanasthalipuram, rep. by its Correspondent.
6 The Management of Vignan Chitti Chitti School, Hill Colony,

Vanasthalipuram, rep. by its Correspondent.
7 The Management of Vignan High School, Hill Colony,

Vanasthalipuram, rep. by its Correspondent.

8 The Management of Vivekvardhani High School, B.N.R Nagar,

Vanasthalipuram, rep. by its Correspondent.
9 The Management of Nest Care Primary School, Vaidehinagar,

Vanasthalipuram, rep. by its Correspondent.
10 The Management of Trinity Grammar School, Vijayapuri Colony,

Vanasthalipuram, rep. by its Correspondent.
11 The Management of Calibre School, C.B.I. Colony, Vanasthalipuram, rep. by its Correspondent.
12 The Management of S.S.N School, S.F. Colony, Vanasthalipuram, rep. by its Correspondent.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus , to declare the action of the respondent authorities in not taking any steps pursuant to the joint representation submitted by the petitioners on 24-7-2004 in preventing and closing the institutions being run by the Respondent Nos. 5 to 12 without there being any requisite permission obtaining from the competent authority, as illegal, arbitrary and against to the statutory provisions contained under relevant rules issued in G.O.Ms.No.1 dt.1-1-1994 and consequently direct the respondents to forthwith act upon the representation dt. 24-7-2004 for closure of the institutions being run by the Respondent Nos. 5 to 12.

Counsel for the Petitioners:MR.K.RAM REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR SCHOOL EDUCATION

Counsel for the Respondent Nos.5 to 12: None appeared

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14004 OF 2004

ORDER:

As many as eight private educational institutions offering school education in the area of Vanasthalipuram in Hyderabad seek a Writ of Mandamus declaring the action of the respondents 1 to 4 herein in not taking steps on the representation

made by petitioners on 24.7.2004 to close down the institutions, respondents 5 to 12 herein, which according to the petitioners are running without valid permission under the A.P.Education Act, 1982. A copy of the joint representation allegedly issued to respondents 1 and 2 herein has been annexed to the Writ Petition. In the said representation, the petitioners allege as under:

We the undersigned correspondents of Vanasthalipuram schools bring to your kind notice that some educational agencies opened schools without taking prior permission from the authorities concerned for the academic year 2004-2004. It is noticed that the inspecting authorities are encouraging those agencies by providing feasible reports. A number of recognized schools have already being functioning in this area. Among them most of the schools do not have economic strength. These newly started unauthorized schools are very nearer to the recognized schools and causing a lot of academic and administrative problems. Already some schools have been closed down due to lack of economic strength as the area is thinly populated, the existing schools are adequate to cater the educational needs of the locality.

Se, we sincerely request not to encourage unauthorized schools by according permissions to the under mentioned unauthorized schools. We also request you to insist on NO OBJECTION CERTIFICATES from the nearby schools as per G.O.Ms.No.1.

As seen from the representation, the same was delivered in the office of respondents 1 and 2 only on 29.7.2004. The petitioners allege that respondents 5 to 12 are Private High Schools being run without permission and recognition and therefore action should be taken to close down these schools. Even before the respondents could initiate any action, the Writ Petition is filed, which, in the opinion of this Court, is a hasty step. The petitioners may pursue their remedy, which they have already availed before respondents 1 and 2. In this Writ Petition, no relief can be granted at this stage.

The Writ Petition with the above observations is dismissed at the admission stage. No costs.

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12.8.2004 (V.V.S.RAO, J)

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Educational Officer, Ranga Reddy District,

Ranga Reddy District Collector Offices Complex,
Lakdikapool, Hyderabad.
2 The Regional Joint Director, School Education, Barkatpura,

Hyderabad.
3 The Commissioner & Director, School Education, A.P., Hyderabad.
4 The Secretary, School Education, Government of A.P,
Secretariat, Hyderabad.
5 2 CCs to GP for School Education, High Court Bldgs., Hyderabad

6 2 CD copies.